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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/557,294

11/18/2005

Alan Timothy Gibbs

BWT2-72511

7337

24201 7590 10/15/2007  
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EXAMINER

VENNE, DANIEL V

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

10/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/557,294	Applicant(s) GIBBS ET AL.	
	Examiner Daniel V. Venne	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34, 38 and 42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-34, 38 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. An amendment was received from applicant on 9/26/2007.
2. Claims 1 and 29 are amended.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-29, 30-34, 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roycroft (US 6855017 B2), in view of Gere et al. (US 5590617), and further in view of Tsaki et al. (US 5244425). Roycroft discloses an amphibious vehicle with fluid inlet, outlet and conduit, impeller (which can be driven in forward and reverse direction), stator, power take off, drive shaft(s) (drive and axle shafts) skewed horizontally and/or vertically relative to the longitudinal axis of the vehicle, universal and constant velocity joint(s) [18, 20], with rotatable impeller housed within a conduit between a fluid inlet and fluid outlet (water jet unit) [48], and configured as claimed (see Figs. 1-3). Roycroft does not specifically disclose a fluid inlet positioned in a surface of a planing hull; however, the hull shown in Fig. 3 can be considered a planing hull and a fluid inlet for the water jet pump [48] is inherent for the waterjet to function. Gere et al. discloses a planing hull with a water jet pump [54] for an amphibious vehicle. Tasaki et al. discloses a water jet unit [6] provided with a water inlet portion [22], formed integrally with the hull [2], which begins at a location beneath the watercraft as a water inlet

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opening [24]. The recited ratios, ranges and values presented in the claims are considered engineering design choices to enhance and optimize performance characteristics for the jet drive; adjusting the recited ratios, ranges and values would provide the thrust and performance attributes desired for the jet drive and the vehicle. Also, the recited ratio of thrust to intake length of the jet drive being at least 18 kN per meter of claim 1 is mentioned in the abstract and not in the specification, and is not adequately supported by the disclosure. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a fluid inlet positioned in the surface of the planing hull of Roycroft as disclosed by Gere et al. and Tasaki et al. to create the invention as claimed by applicant. The motivation would have been to provide an effective and streamlined means in the bottom surface of the planing hull for inlet water for the jet pump.

### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel V. Venne whose telephone number is (571) 272-7947. The examiner can normally be reached between 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-

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273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Dw*

DVV

10 October 2007

**LARS A. OLSON  
PRIMARY EXAMINER**

*Lars Olson*  
10/10/07